

1 TUCKER ELLIS & WEST LLP  
 2 EVAN C. NELSON (SBN 172957)  
 3 LILLIAN C. MA (SBN 210103)  
 4 135 Main Street, Suite 700  
 5 San Francisco, CA 94105  
 Telephone: (415) 617-2400  
 Facsimile: (415) 617-2409  
 evan.nelson@tuckerellis.com  
 lillian.ma@tuckerellis.com

6 Attorneys for Defendant  
 7 CARRIER CORPORATION  
 8  
 9  
 10  
 11

12 ROBERT SCHOELZEL,  
 13 Plaintiff,  
 14 v.  
 15 ASBESTOS DEFENDANTS, As Reflected on  
 Exhibits, et al.,  
 16 Defendants.

17

18 Having considered the papers and arguments submitted in support, in opposition and in  
 19 reply to Plaintiff's Motion to Remand Case to the California Superior Court, County of San  
 20 Francisco, and good cause appearing:

21 IT IS HEREBY ORDERED that the Motion is DENIED and this case remains venued in  
 22 the United States District Court for the Northern District of California. Plaintiff's request for  
 23 attorneys' fees and costs pursuant to 28 U.S.C. section 1447(c) is DENIED.

24

25 Dated: \_\_\_\_\_

26

27

28

1  
 [PROPOSED] ORDER

SFOiManage/011425/001621/160052/1

Case No. C 08-03113 JSW

**[PROPOSED] ORDER DENYING  
 PLAINTIFFS' MOTION FOR REMAND**

Date: November 7, 2008  
 Time: 9:00 a.m.  
 Courtroom: 2, 17<sup>th</sup> Floor

UNITED STATES DISTRICT